

Yeas—12

Burns	Metcalf
Cotten	Moffett
Graves	Nelson
Hardin	Pace
Isbell	Spears
Martin	Winfield

Nays—17

Aikin	Shivers
Beck	Small
Brownlee	Stone
Collie	of Galveston
Hill	Stone
Kelley	of Washington
Lanning	Sulak
Moore	Van Zandt
Redditt	Weinert
Roberts	

Absent

Lemens

Absent—Excused

Head

Question next recurring on the motion of Senator Weinert, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—16

Aikin	Redditt
Beck	Roberts
Brownlee	Shivers
Collie	Small
Hill	Stone
Kelley	of Galveston
Lanning	Sulak
Lemens	Weinert
Moore	

Nays—13

Burns	Moffett
Cotten	Nelson
Graves	Pace
Hardin	Spears
Isbell	Van Zandt
Martin	Winfield
Metcalf	

Absent

Stone
of Washington

Absent—Excused

Head

The Senate, accordingly, at 12:30 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX

Reports of Committee on Enrolled Bills

Austin, Texas,
March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 156 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

Austin, Texas,
March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 188 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

Austin, Texas,
March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 78 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

THIRTY-FOURTH DAY

(Friday, March 10, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Moore.

The roll was called and the following Senators were present:

Aikin	Kelley
Beck	Lanning
Brownlee	Lemens
Burns	Metcalf
Collie	Moffett
Cotten	Moore
Graves	Pace
Hill	Redditt
Isbell	Roberts

Shivers	Sulak
Small	Van Zandt
Stone	Weinert
of Galveston	Winfield
Stone	
of Washington	

Absent—Excused

Hardin	Nelson
Head	Spears
Martin	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Collie and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Martin was granted leave of absence for today on account of important business, on motion of Senator Pace.

Senator Head was granted leave of absence for today on account of important business, on motion on Senator Collie.

Senator Hardin was granted leave of absence for today on account of important business, on motion on Senator Stone of Galveston.

Senator Nelson was granted leave of absence for today on account of important business, on motion of Senator Aikin.

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Stone of Galveston.

Reports of Standing Committees

Senator Weinert submitted the following report of the Committee on State Affairs:

Austin, Texas,
March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 239, by Sulak, A bill to be entitled "An Act granting and donating to each respective county of this State for a period of five years beginning with the taxable year 1939

all the State ad valorem taxes, not heretofore donated or appropriated to any county, district, city or other political subdivision, collected for general revenue purposes upon the property and from persons in each respective county, including ad valorem taxes on rolling stock belonging to railroad companies, for the use of each respective county for the purposes of constructing improvements to prevent soil erosion, flood control, irrigation and drainage projects, reforestation and road building and further providing that said taxes shall be levied, assessed and collected in the manner now provided by law and that the assessor and collector in each county shall forward his report to the Comptroller covering said collections and shall pay over to the County Treasurer of each respective county all moneys collected by him at the end of each month, except such amounts as may be allowed by the law for collecting and assessing said taxes; requiring said assessor and collector to forward a duplicate copy of the receipt given him by county treasurer for said moneys to the State Comptroller and defining the purposes and intention of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Senator Stone of Galveston submitted the following report of the Committee on Labor:

Austin, Texas,
March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 325, by Spears, A bill to be entitled "An Act providing for the establishment of Civil Service for officers and employees of Fire and Police Departments in Cities having a population of not less than 225,000 nor more than 260,000 according to the last preceding Federal Census and all future Federal Census; defining de jure officers as distinguished from de facto officers and providing the length of time served or to be served before becoming such de jure officers; providing for the manner in

which officers or employees may be dismissed, suspended or demoted as well as method of reinstatement and claim to wages; establishing the exclusive jurisdiction of Trial Boards in such Cities to dismiss, reduce or suspend such officers and employees and ousting the jurisdiction of all other persons and agencies in connection therewith; eliminating certain defenses in actions by such officers and employees in certain actions wherein they sue for reinstatement or a recovery of lost wages and fixing the burden of proof in such actions on certain questions or issues; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SPEARS, Chairman.

Senator Van Zandt submitted the following reports of the Committee on Civil Jurisprudence:

Austin, Texas,
March 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

House Bill 97 by Howard, et al,

Have had same under consideration, and beg leave to report back to the Senate that it do pass as amended and be not printed.

VAN ZANDT, Chairman.

Austin, Texas,
March 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

House Bill No. 572, by Reed, et al,

Have had same under consideration, and beg leave to report back to the Senate that it do pass and be not printed.

VAN ZANDT, Chairman.

Austin, Texas,
March 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

Senate Bill 335, by Weinert,

Have had same under consideration, and beg leave to report back to the Senate that it do pass and be not printed.

VAN ZANDT, Chairman.

Austin, Texas,
March 10, 1939,

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

Senate Bill 192, by Stone of Washington,

Have had same under consideration, and beg leave to report back to the Senate that it do pass and be printed.

VAN ZANDT, Chairman.

Senator Sulak submitted the following reports of the Committee on Agriculture:

Austin, Texas,
March 9, 1939.

Hon. Coke R. Stevenson, resident of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

S. B. No. 139, A bill to be entitled "An Act to amend Chapter 5, Title 14 of the Revised Criminal Statutes of 1925, as amended by Acts of the Regular Session of the Forty-first Legislature of the State of Texas by amending Articles 1037 and 1037a relating to weights and measures, and by adding the following new Articles numbered as follows: Articles 1037b, 1037c, 1037d, 1037e, 1037f, 1037g, 1037h, and 1037i, requiring commodities to be sold by weight, measure, or numerical count; regulating the packing and marketing of packages and containers; requiring the net quantity of contents of such packages or containers to be plainly and conspicuously marked on the outside of package or container; providing for certain variations in weight; prohibiting deceptive pack; providing standards for the sale of butter, bread, milk and meat food products, including poultry; providing for establishment of standard net weight, net measure, or net numerical count for commodities, products or articles; defining certain terms; providing penalties for the enforcement of the act; repealing laws in conflict; including a savings clause; and declaring an emergency,"

Have had the same under consider-

ation, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SULAK, Chairman.

Austin, Texas,
March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

S. B. No. 138, A bill to be entitled "An Act to amend Chapter 7, Title 93, of the Revised Civil Statutes of 1925, as amended by Acts of the Regular Session of the Forty-second Legislature of the State of Texas, pertaining to weights and measures, by amending Article 5714, which provides for the promulgation of specifications and tolerances for commercial weighing and measuring devices, and by adding a new Article to be numbered Article 5714a, providing for the approval of type for commercial weighing and measuring devices, repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SULAK, Chairman.

Austin, Texas,
March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. C. R. No. 47,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SULAK, Chairman.

Austin, Texas,
March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

S. B. No. 333, A bill to be entitled "An Act authorizing and making it the duty of the Commissioner of

Agriculture to establish, maintain and enforce a quarantine against any dangerous insect pest or plant disease not heretofore widely distributed within the State; providing that the Commissioner shall prevent the movement from such quarantined areas into this State of any plants, plant products, things or substances which may disseminate the pest or plant disease; providing for the movement of such plants, plant products, things or substances under certain safeguards; naming certain insect pests and plant diseases and declaring them public menaces; and prohibiting the movement of citrus trees or fruits from certain areas where such pests and diseases are known to exist; providing that the Commissioner of Agriculture shall issue certificates of inspection; prohibiting the movement of citrus nursery stock or citrus fruit without such certificate; providing certain exceptions; prohibiting the transportation of citrus nursery stock or citrus fruit originating without this State unless bearing a certificate of inspection of the State in which it originates; providing that transportation companies or common carriers shall not be liable for damages to the consignee or consignor for refusing to transport or deliver stocks, nursery stock or fruit when not accompanied by certificates; providing a penalty for the violation hereof; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SULAK, Chairman.

Senate Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

Sy Senator Small:

S. B. No. 373, A bill to be entitled "An Act providing for the sale of public lands along the eastern boundary of the State of Texas and the western boundary of the State of Oklahoma; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Public Lands and Land Office.

By Senator Small:

S. B. No. 374, A bill to be entitled "An Act appropriating \$50,000.00, or so much thereof as may be necessary for the purpose of defraying expenses incident to cooperating with the Federal Government in the extermination of migratory grasshoppers; and declaring an emergency."

Referred to Committee on Finance.

By Senator Stone of Galveston:

S. B. No. 375, A bill to be entitled "An Act to amend Sections 2, 4, 5, 6 and 8, of Chapter 111 of the Acts of the First Called Session of the Forty-third Legislature, to repeal Section 18 thereof, so as to provide for the collection and disbursement of fees and charges by boards of navigation and canal commissioners, the character and nature and security of bonds or other indebtedness, which may be issued by navigation districts, and for the payment of interest and establishment of a sinking fund to pay the principal out of taxes to be collected by any such district; giving such districts the power of eminent domain, and to transport persons and property, goods, wares and merchandise by railroad, highway, air, pipe line or water, subject to the same rules and regulations and in the same manner as like businesses are conducted by others engaged in the same or similar occupations, and for any such purpose to own, acquire by purchase or lease or otherwise, the necessary property and/or facilities to so engage in any such business, and granting other and additional powers to such districts, and repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Moffett:

S. B. No. 376, A bill to be entitled "An Act to require school buses to carry fire extinguishers as regular equipment, providing certain specifications, and declaring an emergency."

Referred to Committee on Education.

By Senator Winfield:

S. B. No. 377, A bill to be entitled "An Act to amend Article 7151 of the Revised Civil Statutes of Texas of 1925 and amending Article 7206

of Revised Civil Statutes of Texas 1925 and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Collie:

S. B. No. 378, A bill to be entitled "An Act suspending the provisions of Section 5 of H. B. No. 336, Chapter 282, General Laws of Texas, Regular Session, Forty-second Legislature, 1931, insofar as said provisions affect the operation of motor vehicles transporting perishable agricultural products, including fruits and vegetables, and providing for exceptions to such suspensions; such suspension periods being from March 15, 1939 to April 1, 1939; and from December 1, 1939, to April 1, 1940, and from December 1, 1940 to April 1, 1941; providing that said suspension shall only apply to transporting perishable agricultural products; and suspending all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on State Highways and Motor Traffic.

By Senator Cotten (by request):

S. B. No. 379, A bill to be entitled "An Act to amend Section 1 of Chapter 101, S. B. No. 41, Acts of the Forty-second Legislature, 1931, Regular Session, to provide for group life insurance for employees for the State of Texas; repealing all laws in conflict; and declaring an emergency."

Referred to Committee on Insurance.

By Senator Cotten (by request):

S. B. No. 380, A bill to be entitled "An Act providing that, with the approval of the Board of Insurance Commissioners, and upon terms and conditions prescribed by said Board, any local Mutual Aid Association, as defined by law, or any State-wide Mutual Assessment Life Insurance Company, or Accident Insurance Company, or Health Insurance Company, or Life and Accident, or Health and Accident, or Life, Health and Accident Insurance Company, incorporated under the laws of this State and the license to transact business, and transacting business under the provisions of Chapter 245, Acts of the Regular Session of the Forty-third Legislature, being H. B. No. 303, enacted at the Regular Session of said Legislature, as amended, may by vote of its members, convert itself

into an incorporated stock company; and requiring any such converted company to maintain at all times with the State Treasurer for the security and protection of the holders of all its policies and certificates and their beneficiaries, a deposit, either in cash or securities, in which Life Insurance Companies may lawfully invest funds, at least equal in amount to its unimpaired paid-up capital stock, which shall not be less than \$25,000, nor less than such additional sum proportionate to the number of members in such Company and to its insurance in force, as the Board of Insurance Commissioners shall deem desirable and shall direct; and providing generally for such conversion of such companies; and providing generally for the regulation and supervision of such converted companies by the Board of Insurance Commissioners; and prescribing their powers and duties when so converted; and declaring an emergency."

Referred to Committee on Insurance.

By Senator Sulak:

S. B. No. 381, A bill to be entitled "An Act to amend Article 880, H. B. No. 111, Acts of the Second Called Session, Forty-fifth Legislature, relating to the use of dogs in the hunting or pursuing or taking of any deer in certain counties; and providing for a penalty.

Referred to Committee on Game and Fish.

By Senator Van Zandt:

S. B. No. 382, A bill to be entitled "An Act to amend Article 4272 of the Revised Civil Statutes of the State of Texas, so as to provide for the filing of an application for the appointment of a guardian of a person who may have been adjudged insane or a habitual drunkard and for the issuance and service of notices in such cases as required by Articles 4114 and 4115 of the Revised Civil Statutes of 1925 as amended and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Van Zandt:

S. B. No. 383, A bill to be entitled "An Act to amend Article 4229 of the Revised Civil Statutes of Texas, 1925, so as to provide for the immediate acceptance by the court of a resignation of a guardian and the

immediate appointment of a successor and providing that such resigning guardian shall not be discharged and that neither he nor his sureties shall be released until he has delivered the estate of his ward to his successor and final judgment rendered upon his final account and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Van Zandt:

S. B. No. 384, A bill to be entitled "An Act to amend Article 4228 of the Revised Civil Statutes of Texas so as to provide for the immediate appointment of a successor guardian upon the death, resignation or removal of a guardian without further citation or notice and prior to the approval of a final accounting of the former guardian and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Pace:

S. B. No. 385, A bill to be entitled "An Act validating the incorporation of the City of Grand Saline, Texas; validating the extensions of its boundaries; validating all renditions, assessments, or collections of taxes in said area, and declaring an emergency."

Referred to Committee on Towns and City Corporations.

By Senator Kelley:

S. B. No. 386, A bill to be entitled "An Act permitting any defendant to testify and providing that he shall not be compelled to testify; providing further the nature and extent and conditions under which counsel for the State may comment upon his failure to testify, and providing the conditions under which one or more persons may testify for and against the other where they have been jointly indicted and where a severance or dismissal has been granted; providing that all laws or parts of laws in conflict herewith are hereby repealed and that if any part or portion of this Act shall be declared unconstitutional, such decree shall not affect the remainder and severable parts thereof."

Referred to Committee on Criminal Jurisprudence.

By Senator Kelley:

S. B. No. 387, A bill to be entitled "An Act providing for the method of

summoning a special venire in capital cases; providing that the veniremen may be summoned by the mailing of postal cards by the sheriff after their selection as now provided by law; providing that when either the State or the defendant desires that a special venire be summoned, five days notice shall be given prior to the date such case is set and providing for the non-necessity of such special venire in case such notice is not given; further providing that where the Court appoints an attorney for the defendant, such case shall not be tried until the expiration of five days thereafter to comply with the terms of this Act; providing for the waiver of motions of continuance on known grounds existing as of the date of the request that a venire be summoned; providing that if any part or portion of this Act is declared to be unconstitutional, it shall not affect the validity of the remainder hereof; providing that all laws or parts of laws in conflict herewith be repealed."

Referred to Committee on Criminal Jurisprudence.

By Senator Kelley:

S. B. No. 388, A bill to be entitled "An Act providing that in all cases where two or more defendants are jointly indicted, the right of severance and to separate trials shall be vested in the discretion of the Court; providing for applications for severance; providing for the repeal of all laws or parts of laws in conflict herewith."

Referred to Committee on Criminal Jurisprudence.

By Senator Sulak:

S. B. No. 389, A bill to be entitled "An Act creating the Texas Marketing Commission, designating the number of members of said Commission and providing for their qualifying through their official connection with the State of Texas and/or their appointment by the Governor; providing for their terms of office and the appointment of their successors in office; designating the Chairman of said Commission; providing for the payment of a per diem for certain members of the Commission; providing for the authority of the Commission to cooperate with growers, producers and shippers in advertising and marketing certain products; providing for the promulgation of rules and regulations of said Commission; designating the number of growers and/or producers

who shall have a right to petition for the service as provided in this Act; providing for the appointment of collaborating committees by the Commission and the work of said committees with the Commission; providing for the collection of advertising taxes; providing for the appointment of a secretary, stenographers, clerks, statisticians and other necessary help; providing for the deposit of funds with the State Treasury; providing for the issuance of warrants by the Comptroller; providing for a continuing fund of fees collected under this Act; providing a penalty for the violation of this Act, and declaring an emergency."

Referred to Committee on State Affairs.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 148 by a vote of 132 yeas and 1 no.

The House has concurred in Senate amendments to H. B. No. 173 by a vote of 129 yeas and no noes.

The House has concurred in Senate amendments to H. B. No. 348 by a vote of 130 yeas and no noes.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Senate Concurrent Resolution 19

Senator Van Zandt offered the following resolution:

S. C. R. No. 19, Requesting peace officers to extend courtesies to out-of-State visitors.

Whereas, It has come to the attention of various members of this body that the law enforcement officers in numerous counties, cities, towns, villages, and political subdivisions, are arresting out-of-State visitors, and visitors from other counties and sections of this State for minor infractions of the traffic laws and local ordinances; and

Whereas, Numbers of complaints

have come from such out-of-State visitors, and visitors from the many counties of this State, on the manner in which they are being received and treated by such law enforcement officers; and

Whereas, It is not the intention or desire of any good citizen of this State to penalize persons not thoroughly familiar with the traffic laws and ordinances in this State; but is rather their desire to encourage such visitors and treat them at all times with the utmost courtesy and respect in order that they might go back to their respective residences with the desire to return to Texas; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That a certified copy of this Resolution be sent to the County Clerk of each County in this State with instructions to him to place a copy in the hands of the chief law enforcement officer of the County, and the chief law enforcement officers in each city, town, village, or political subdivision in his county, for the purpose of admonishing them that it is our desire to have more courtesy and consideration shown out-of-State visitors in Texas, and out-of-county visitors for minor infractions of traffic laws or ordinances with which they may not be thoroughly familiar.

The resolution was read; and on motion of Senator Van Zandt and by unanimous consent, it was considered at this time and was adopted.

Conference Committee on Senate Joint Resolution 6

Senator Weinert called S. J. R. No. 6 from the President's table, for consideration of the House amendments to the resolution.

The President Pro Tempore laid the resolution, with the House amendments, before the Senate.

Question—Shall the Senate concur in the House amendments?

Senator Weinert moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President Pro Tempore appointed the following conferees

on the bill on the part of the Senate: Senators Moore, Weinert, Winfield, Pace and Shivers.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 6, A bill to be entitled "An Act amending Article 835-C, Revised Civil Statutes of Texas, Acts, Forty-first Legislature, 1930, Fifth Called Session, Chapter 10, page 125, providing that cities or counties in this State, acting by or through the governing body of such city or county, may donate lands to the State of Texas or United States of America for hospital purposes, and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Senate Bill 150 on Passage to Engrossment

(Special Order)

The President laid before the Senate, as the unfinished special order, on its passage to engrossment (the bill having been read second time on March 1, 1939):

S. B. No. 150, A bill to be entitled "An Act amending Chapter 206 of the Acts of the Regular Session of the Forty-second Legislature, same being H. B. No. 768; creating and providing a uniform budget system for the State, etc., and declaring an emergency."

With amendment by Senator Mofett, striking out all after the enacting clause and substituting therefor the text of a complete bill, pending.

Question—Shall the amendment be adopted?

Senate Bill 281 on Second Reading

Senator Roberts, by unanimous consent, moved that the rule relative to the consideration of bills during

the first 60 days of the Regular Session of the Legislature and that the regular order of business be suspended and that S. B. No. 281 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

Absent—Excused

Hardin	Nelson
Head	Spears
Martin	

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 281, A bill to be entitled "An Act abolishing the office of State Reclamation Engineer; transferring to and vesting the functions in the Commissioner of the General Land Office; providing for the transfer of all officers and employes, the balances of appropriations, and all books, papers, records, property and pending business of the State Reclamation Department to the General Land Office; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 281 on Third Reading

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 281 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Collie
Beck	Cotten
Brownlee	Graves
Burns	Hill

Isbell	Shivers
Kelley	Small
Lanning	Stone
Lemens	of Galveston
Metcalfe	Stone
Moffett	of Washington
Moore	Sulak
Pace	Van Zandt
Redditt	Weinert
Roberts	Winfield

Absent—Excused

Hardin	Nelson
Head	Spears
Martin	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

Absent—Excused

Hardin	Nelson
Head	Spears
Martin	

Senate Bills on First Reading

By unanimous consent, the following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Hill:

S. B. No. 390, A bill to be entitled "An Act providing that persons, firms, or corporations, who operate or conduct hotels, cafes, restaurants, dining cars, or other public eating places, bakeries, and meat markets in this State, shall not work, employ or keep in their employ any person who is infected with or affected by any infectious or contagious disease; and further providing that such persons, firms, or corporations or common carriers, operating or conduct-

ing any public eating place heretofore named or operating any bakery, or meat market, public dairy or dairies, or manufacturers of and vendors of candies or manufactured sweets, shall have made a medical inspection of all their employees at intervals of time of not more than six (6) months, and if such examination discloses the fact that any person in their employment is infected with or affected by any infectious or contagious disease, that such person shall be promptly discharged from such employment; providing it shall be unlawful for manufacturers or vendors of candies and manufactured sweets to consign, sell or furnish in any way said candies and manufactured sweets to individuals for the purpose of resale at their private residences who do not display valid health certificates for each member of the household and sanitary display show-cases; providing penalties for a violation of the provisions of this Act; repealing Article 705, Title 12, Chapter 1, Revised Criminal Statutes of the State of Texas, of 1925; saving to the State the right to prosecute for violations prior to repeal; and declaring an emergency."

Referred to Committee on Public Health.

By Senator Shivers:

S. E. No. 391, A bill to be entitled "An Act to repeal all of Title 95, Revised Civil Statutes, 1925, constituting Articles 5892 to 5920 inclusive; to repeal Chapter 8, Criminal Code, 1925, Articles 1594 to 1612 inclusive; providing for ingress and egress of persons employed; providing for escapement shafts, providing a penalty for mine operators for violation; providing for methods for safety installation of shafts, cages and passways; providing for props and timbers in mine shafts; providing for the blocking off of abandoned portions of operated mines; providing for proper ventilation; providing for cut-throughs for ventilation; providing against fire damp; providing for the speed mining cages to be operated; providing for devices to lock landing platforms; providing for regulations for the handling of powder; providing for safety lamps; providing against any workman injuring safety or mining equipment; providing for the posting of mining rules; providing for weighing scales and weighman; providing for the kind of oil that shall

be used for lighting purposes; providing for the insulation of live wires; providing for the maintenance of a map of the mine; providing for the length of time animals may be kept in a mine with certain exceptions; providing for bathing facilities; placing the enforcement of this Act under the Commissioner of the Bureau of Labor Statistics; providing for the appointment of a mining inspector, making an appropriation; providing for monthly reports to be made to the Commissioner of the Bureau of Labor Statistics; providing for a penalty; providing for unconstitutional sections of the Act; providing for the repeal of conflicting laws, and declaring an emergency."

Referred to Committee on Labor.

By Senator Shivers (by request):

S. B. No. 392, A bill to be entitled "An Act authorizing cities eligible under the terms of this Act to fund certain indebtedness outstanding on January 1, 1939; prescribing the method and procedure for issuance of funding bonds and warrants; validating such outstanding indebtedness not in litigation at the time this Act becomes effective; providing that this Act shall be cumulative of all other Acts but that its provisions shall prevail in the event of conflict with other laws; enacting provisions incident to and relating to the subject, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

Senate Bill 250 on Second Reading

Senator Kelley, by unanimous consent, moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended, that the regular order of business be suspended and that S. B. No. 250 be considered at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Kelley
Beck	Lanning
Brownlee	Lemens
Burns	Metcalfe
Collie	Moffett
Cotten	Moore
Graves	Pace
Hill	Redditt
Isbell	Roberts

Shivers	Sulak
Stone	Van Zandt
of Galveston	Weinert
Stone	Winfield
of Washington	

Absent—Excused

Hardin	Nelson
Head	Small
Martin	Spears

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 250, A bill to be entitled "An Act to authorize any County, one or more of the boundaries of which is coincident with any part of the International Boundary between the United States and Mexico, or any county contiguous to any county of such described class, which may have entered into an agreement with the United States to acquire and upon request convey to the United States land or interest in land desired by the United States in aid of navigation, irrigation, flood control or improvement of water courses, and in order to accomplish the purposes specified in Article 5242 of the 1925 Revised Statutes of Texas, upon request of the United States, to secure by gift, purchase or by condemnation, said land or interest therein, for ultimate conveyance to the United States and to pay for the same out of any special flood control fund or any available county funds; providing for the method of procedure in condemnation cases; providing that title shall vest in the County upon the filing of a declaration of taking by the County and the deposit of the amount of the award with the County Clerk, together with costs, if any, and the right to just compensation shall vest in the persons entitled thereto; and provided further, that no appeal nor service of process by publication shall have the effect of suspending the vesting of title in said County; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 250 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 250 be placed on its third reading and final passage.

(Senator Weinert in the Chair.)

The motion prevailed by the following vote:

Yeas—25

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Stone
Graves	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Metcalfe	Winfield
Moffett	

Absent—Excused

Hardin	Nelson
Head	Small
Martin	Spears

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Stone
Graves	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Metcalfe	Winfield
Moffett	

Absent—Excused

Hardin	Nelson
Head	Small
Martin	Spears

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following bill and resolution:

H. B. No. 5, A bill to be entitled "An Act amending Article 4100, Title 68, of the Revised Civil Statutes of the State of Texas; providing a maximum amount allowable as compensation to a garnishee; making this Act and amendment of said Article 4100 applicable to pending as well as future suits and proceedings, and declaring an emergency."

H. C. R. No. 57, Recalling S. B. No. 213 from the Senate.

The House has concurred in Senate amendments to H. B. No. 356 by a vote of 131 yeas and 0 noes.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

(President Pro Tempore in the Chair.)

Report of Standing Committee

Senator Graves, by unanimous consent, submitted at this time the following report of the Committee on Counties and County Boundaries:

Austin, Texas,
March 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 500, A bill to be entitled "An Act amending Chapter 33, of the Local and Special Laws of the Thirty-sixth Legislature of Texas, Regular Session, as amended by Chapter 7, of the Local and Special Laws of the Thirty-sixth Legislature of Texas, Second Called Session, by adding thereto Sections 30a and 30b, providing that the Commissioners Court of Hill County, Texas, may authorize and issue refunding bonds of said County for the purpose of funding certain scrip warrants outstanding against its Road and Bridge Fund as of February 15, 1939, and setting forth the method of issuing same; validating all Acts of the Commissioners Court and of the county officials of said County in authorizing, issuing and delivering said warrants; providing that the General Laws pertaining to roads and bridges shall be applicable to said County when not in conflict herewith;

repealing all laws and parts of laws in conflict herewith; enacting provisions incident to and relating to the subject and purpose of this Act; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Senate Bills on First Reading

By unanimous consent, the following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Graves (by request):

S. B. No. 393, A bill to be entitled "An Act amending Section 1 of Chapter 5 of the Acts of the Second Called Session of the Forty-third Legislature as amended by Chapter 459, Acts of the Second Called Session of the Forty-fourth Legislature so as to permit the obtaining of funds by the several named governing boards of State educational institutions from sources other than the United States, or agencies thereof; repealing all laws in conflict herewith; and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Stone of Galveston:

S. B. No. 394, A bill to be entitled "An Act relating to marks and brands of livestock in Brazoria County only; amending Article 6899 of the Revised Civil Statutes of Texas, by adding thereto a new Section to be known as Article 6899d, requiring that each owner of any livestock mentioned in Chapter 1, of Title 121, of the Revised Civil Statutes of Texas, of 1925, shall within six (6) months after this Act takes effect, have his mark and brand for such stock recorded at the office of the County Clerk; and providing that such owners shall so record such marks and brands whether heretofore recorded or not and that after the expiration of six (6) months after taking effect of this Act all records and marks and brands now in existence shall no longer have any force or effect and that after the expiration of six (6) months only the records made after Act shall be effective and considered the recorded marks and brands in each County; and further providing that the County Clerk shall publish this Act in some newspaper in

general circulation in the County for a period of thirty (30) days; and declaring an emergency."

Referred to Committee on Stock and Stock Raising.

By Senator Hardin:

S. B. No. 395, A bill to be entitled "An Act to provide for the safety, care, comfort, convenience and proper accommodation and transportation of passengers in sleeping cars, parlor cars and chair cars operated on rail-ways in this State, by requiring certain representatives or employees thereon or in charge thereof specially; and to make any violation of this Act a misdemeanor, and fix the punishment therefor; including a saving clause and declaring an emergency."

Referred to Committee on State Affairs.

Report of Standing Committee

Senator Hill, by unanimous consent, submitted at this time the following report of the Committee on Towns and City Corporations:

Austin, Texas,
March 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 385, A bill to be entitled "An Act validating the incorporation of the City of Grand Saline, Texas; validating the extensions of its boundaries; validating all renditions, assessments, or collections of taxes in said area, and declaring an emergency,"

Have duly considered same and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

HILL, Chairman.

Bills Signed

The President Pro Tempore signed, in the presence of the Senate, after their captions had been read, the following enrolled bills:

H. B. No. 173, "An Act amending Article 6954, Chapter 6, Title 121 of the Revised Civil Statutes of Texas, 1925, amended so as to include in said Article the County of Frio, and declaring an emergency."

H. B. No. 554, "An Act enabling cities of over two hundred and eighty-five thousand (285,000) population to establish two (2) or more Corporation Courts; providing such Courts shall have the usual jurisdiction now given to Corporation Courts by the General Law of the State of Texas, enabling cities to prescribe the qualifications of the recorder of said Courts; that cases may be transferred from one Court to the other; that there shall be one Corporation Court Clerk; that complaints shall be filed to assure equal distribution of cases; providing that the procedure shall be as provided by the General Law of Texas; repealing all laws in conflict herewith; providing a saving clause, and declaring an emergency."

H. B. No. 624, "An Act making it unlawful to hunt, take or pursue any wild deer in the County of Galveston for a period of five (5) years following the passage of this Act; providing a suitable penalty, repealing all laws or parts of laws in conflict with this Act, and declaring an emergency."

H. B. No. 495, "An Act providing for traveling expenses of County Commissioners of certain counties, and declaring an emergency."

H. B. No. 303, "An Act authorizing the Commissioners' Court in any county having a population of not more than seven thousand seven hundred (7,700) and not less than seven thousand six hundred eighty (7,680) inhabitants, according to the last preceding Federal Census, to lease any county hospital belonging to said county, and providing for the terms for said lease, and declaring an emergency."

S. B. No. 129, "An Act to amend Article 1323 of R. C. S. of 1925, as amended by H. B. No. 626, Chapter 235, Acts of the Regular Session of the Fortieth Legislature, so as to provide for the length of terms which directors may be elected to and serve for corporations formed under Subdivisions 1, 2, and 3, of Chapter 1, Title 32, R. C. S. 1925, and declaring an emergency."

S. B. No. 198, "An Act repealing Chapter 8 of the Laws of the Forty-fourth Legislature, Regular Session, being S. B. No. 457, page 1172, of the General and Special Laws of the Forty-fourth Legislature, Regular Session, and declaring an emergency."

S. B. No. 21, "An Act to amend the subject matter embraced in Section 3, Section 4, Section 7, Section 13, and Section 19 of Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended by Section 1, Section 2, Section 3, Section 5, and Section 7, respectively, of Chapter 67, Acts of the Forty-fifth Legislature, Regular Session, and Section 5, Section 6, Section 8, Section 9, Section 14, and Section 16 of Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session; imposing a tax on employers of six or more persons; providing for benefits; fixing benefit eligibility conditions and certain disqualifications for benefits; providing a merit rating for determining the amount of contributions by employers; fixing the duration of coverage; making provisions with reference to the administration of the Unemployment Compensation Fund; and with reference to the administration of the Unemployment Compensation Administration Fund; providing additional means for the enforcement of the collection of contributions; adding certain penalty provisions; defining certain additional terms; adding new sections to be known as Section 19-A and Section 19-B, which provide for the effective date of this Act and for the repeal of all laws and parts of laws in conflict herewith; and declaring an emergency."

S. B. No. 159, "An Act validating and legalizing the authorization of bonds issued by any water improvement district in this State for the improvement, repair or rehabilitation of its irrigation system, or ports thereof; validating the levy and assessment of ad valorem taxes in payment thereof; validating the manner of holding the election, canvassing the returns, and declaring the results of such election, and declaring an emergency."

Appointment of Special Committee

The President Pro Tempore announced the appointment of the following committee pursuant to Senate Resolution 32:

Senators Roberts. Beck and Graves.

Senate Bill 150 on Passage to Engrossment

(Special Order)

The Senate resumed consideration of the pending special order, same be-

ing S. B. No. 150, providing for a uniform budget system, etc., on its passage to engrossment, with amendment by Senator Moffett pending.

Senator Moffett offered the following amendment to the amendment:

Amend amendment to S. B. No. 150, by striking out sub-section 1 of Section 1 and inserting in lieu thereof the following:

"Section 1. The Governor shall be the chief budget officer of the State. His functions and duties shall be those provided in this Act as to the State's budget and funds, and it is the intention that the Governor shall have no functions or control over the budgets and funds of counties, cities and other local political subdivisions. The heads and employees of State departments, institutions, schools and other agencies of the State Government shall cooperate with the State budget officers and employees in the preparation of budget recommendations and budget functions concerning their governmental agencies.

"Section 1a. A "Director of the Budget" is hereby provided, who shall be a person of unusual competence, possessing a keen insight into governmental problems and having a thorough acquaintance with the work and functions of the government. He shall be appointed by the Governor for a period of six years, and confirmed by two-thirds of the Senate, it being the intention of the Legislature to assure a continuity of experienced and competent service by permitting a reasonable tenure in office; provided however, that the term of office of the first Director of the Budget appointed hereunder shall begin on September 1, 1939. Such Director of the Budget shall hold office until his successor is duly appointed and qualified. The Director of the Budget shall receive a salary as fixed by the Legislature in the biennial appropriation acts of not exceeding Six Thousand (\$6,000.00) Dollars per annum. At least one person selected on the budget staff hereafter provided may be a certified public accountant or a graduate in business administration with at least 18 semester credit hours in accounting from a recognized standard university or college, and not less than four years actual experience in accounting or auditing. The words "Budget Director" wherever used in this Act shall refer to

and mean the "Director of the Budget."

Question—Shall the amendment to the amendment be adopted?

Senator Shivers moved the previous question on the pending amendments, and the motion was duly seconded.

Question—Shall the main question be now ordered?

Yeas and nays were demanded, and the Senate refused to order the main question at this time by the following vote:

Yeas—9

Brownlee	Moore
Graves	Shivers
Isbell	Van Zandt
Lemens	Weinert
Moffett	

Nays—11

Aikin	Pace
Burns	Roberts
Collie	Stone
Cotten	of Galveston
Hill	Sulak
Lanning	Winfield
Metcalfe	

Absent

Beck	Redditt
Kelley	Stone
	of Washington

Absent—Excused

Hardin	Nelson
Head	Small
Martin	Spears

Senator Hill offered the following substitute for the amendment to the amendment:

Amend substitute for S. B. No. 150 by striking out Sections 1 to 12 inclusive and renumber the following sections accordingly.

Question—Shall substitute for the amendment to the amendment be adopted?

Motion to Adjourn

Senator Van Zandt moved that the Senate adjourn until 10:00 o'clock a. m. next Monday, March 13, 1939.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—7

Brownlee	Roberts
Collie	Van Zandt
Isbell	Weinert
Pace	

Nays—16

Aikin	Metcalfe
Beck	Moffett
Burns	Moore
Cotten	Shivers
Graves	Stone
Hill	of Galveston
Kelley	Sulak
Lanning	Winfield
Lemens	

Absent

Redditt	Stone
	of Washington

Absent—Excused

Hardin	Nelson
Head	Small
Martin	Spears

Senator Moffett moved to table the substitute for the amendment to the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—12

Beck	Moffett
Collie	Moore
Graves	Pace
Isbell	Roberts
Kelley	Van Zandt
Lemens	Weinert

Nays—10

Aikin	Metcalfe
Brownlee	Stone
Burns	of Galveston
Cotten	Sulak
Hill	Winfield
Lanning	

Absent

Redditt	Stone
Shivers	of Washington

Absent—Excused

Hardin	Nelson
Head	Small
Martin	Spears

Senator Burns offered the following substitute for the amendment to the amendment:

Amend S. B. No. 150, page 2, by striking out line 47 [the enacting clause].

Senator Moffett raised a point of order on consideration of the amendment of Senator Burns at this time on the ground that it is not a proper substitute for the amendment to the amendment.

The President Pro Tempore sustained the point of order.

Senator Burns moved to table the bill.

Question r e c u r r e d — Shall the amendment to the amendment be adopted?

House Concurrent Resolution 57

The President Pro Tempore laid before the Senate, for consideration at this time:

H. C. R. No. 57, Recalling S. B. No. 213 from the Senate for further consideration by the House.

The resolution was read, and, by unanimous consent, it was considered at this time and was adopted.

Message from the House

A Clerk from the House was recognized to present the follownig message:

Hall of the House of Representatives.
Austin, Texas, March 10, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 55, Instructing the Enrolling Clerk of the House to insert the word "may" between the words "and" and "continue" in line 9, page 3, in H. B. No. 341.

H. C. R. No. 56, Authorizing Enrolling Clerk to amend caption of H. B. No. 348 so as to make it conform to the body of the bill.

Respectfully submitted,
E. R. LINDLEY,
Chief Clerk, House of Representatives.

Senate Bills on First Reading

By unanimous consent, the following bills were introduced, read severally first time, and referred to the committees indicated:

By Senators Shivers, Moore, Roberts, Kelley, Stone of Galveston and Moffett:

S. B. No. 396, A bill to be entitled "An Act declaring the sovereignty of Texas along its seacoast, fixing its present seacoast boundary and ownership, and declaring an emergency."

Referred to Committee on Public Lands and Land Office.

By Senator Lemens:

S. B. No. 397, A bill to be entitled "An Act to amend Article 4690 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 152 of the General Laws of the Regular Session of the Forty-second Legislature, by adding Article 4690d to regulate examinations of foreign corporations by the Actuary and Examiners of the Board of Insurance Commissioners; fix rate and method of collection of per diem and expenses therefor; and declaring an emergency."

Referred to Committee on Insurance.

House Bill 500 on Second Reading

On motion of Senator Lemens and by unanimous consent, Senate Rule 48 was suspended, and the regular order of business was suspended, to permit consideration of H. B. No. 500 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 500, A bill to be entitled "An Act amending Chapter 33 of the Local and Special Laws of the Thirty-sixth Legislature of Texas, Regular Session, as amended by Chapter 7 of the Local and Special Laws of the Thirty-sixth Legislature of Texas, Second Called Session, by adding thereto Sections 30a and 30b, providing that the Commissioners' Court of Hill County, Texas, may authorize and issue refunding bonds of said County for the purpose of funding certain scrip warrants outstanding against its Road and Bridge Fund as of February 15, 1939, and setting forth the method of issuing same; validating all acts of the Commissioners' Court and of the county officials of said county in authorizing, issuing and delivering said warrants, providing that the General Laws pertaining to roads and bridges shall be applicable to said county when not in

conflict herewith; repealing all laws and parts of laws in conflict herewith; enacting provisions incident to and relating to the subject and purpose of this Act, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 500 on Third Reading

Senator Lemens moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 500 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Burns	Pace
Collie	Roberts
Cotten	Shivers
Graves	Stone
Hill	of Galveston
Isbell	Sulak
Kelley	Van Zandt
Lanning	Weinert
Lemens	Winfield

Absent

Redditt	Stone of Washington
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Absent—Excused

Hardin	Nelson
Head	Small
Martin	Spears

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Burns	Pace
Collie	Roberts
Cotten	Shivers
Graves	Stone
Hill	of Galveston
Isbell	Sulak
Kelley	Van Zandt
Lanning	Weinert
Lemens	Winfield

Absent

Redditt	Stone of Washington
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Absent—Excused

Hardin	Nelson
Head	Small
Martin	Spears

Senate Resolution 35

Senator Metcalfe, by unanimous consent, offered at this time the following resolution:

Whereas, On tomorrow our distinguished Governor, W. Lee O'Daniel, reaches the 49th milestone in his active and useful life; now, therefore, be it

Resolved by the Senate of Texas, That we congratulate him upon this occasion and extend to him our sincere wishes for a long and successful life.

METCALFE,
WINFIELD,
ISELL,
COLLIE,
SULAK.

The resolution was read; and on motion of Senator Metcalfe and by unanimous consent, it was considered at this time and was adopted.

Adjournment

Senator Roberts moved that the Senate adjourn until 10:00 o'clock a. m. Monday, March 13, 1939.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—13

Beck	Moore
Brownlee	Pace
Collie	Roberts
Graves	Shivers
Isbell	Van Zandt
Kelley	Weinert
Moffett	

Nays—10

Aikin	Metcalf
Burns	Stone
Cotten	of Galveston
Hill	Sulak
Lanning	Winfield
Lemens	

Absent

Redditt	Stone of Washington
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Absent—Excused

Hardin	Nelson
Head	Small
Martin	Spears

The Senate, accordingly, at 11:50 o'clock a. m., adjourned until 10:00 o'clock a. m. Monday, March 13, 1939.

APPENDIX

Reports of Committee on Enrolled Bills

Austin, Texas,
March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 159 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

Austin, Texas,
March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 198 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

Austin, Texas,
March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 129 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

Austin, Texas,
March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 21 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

THIRTY-FIFTH DAY

(Monday, March 13, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Friday, March 10, 1939, was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Burns submitted the following report of the Committee on Penitentiaries:

Austin, Texas,
March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred

H. C. R. No. 32, with reference to investigation of the Prison System,

Have had the same under consideration and report the same back to the Committee with the recommendation that it do pass and be not printed.

BURNS, Chairman.

Senator Spears submitted the following report of the Committee on Criminal Jurisprudence: